



PLANNING COMMISSION AGENDA

Monday, June 5, 2006

**6:30 p.m. Regular and General Plan Meeting
Council Chambers, City Hall**

**200 East Santa Clara Street
San Jose, California**

**Bob Dhillon, Chair
Xavier Campos, Vice-Chair**

**Bob Levy James Zito
 Dang T. Pham
Christopher Platten Vacant**

**Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Dhillon** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **Monday, June 5, 2006**. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

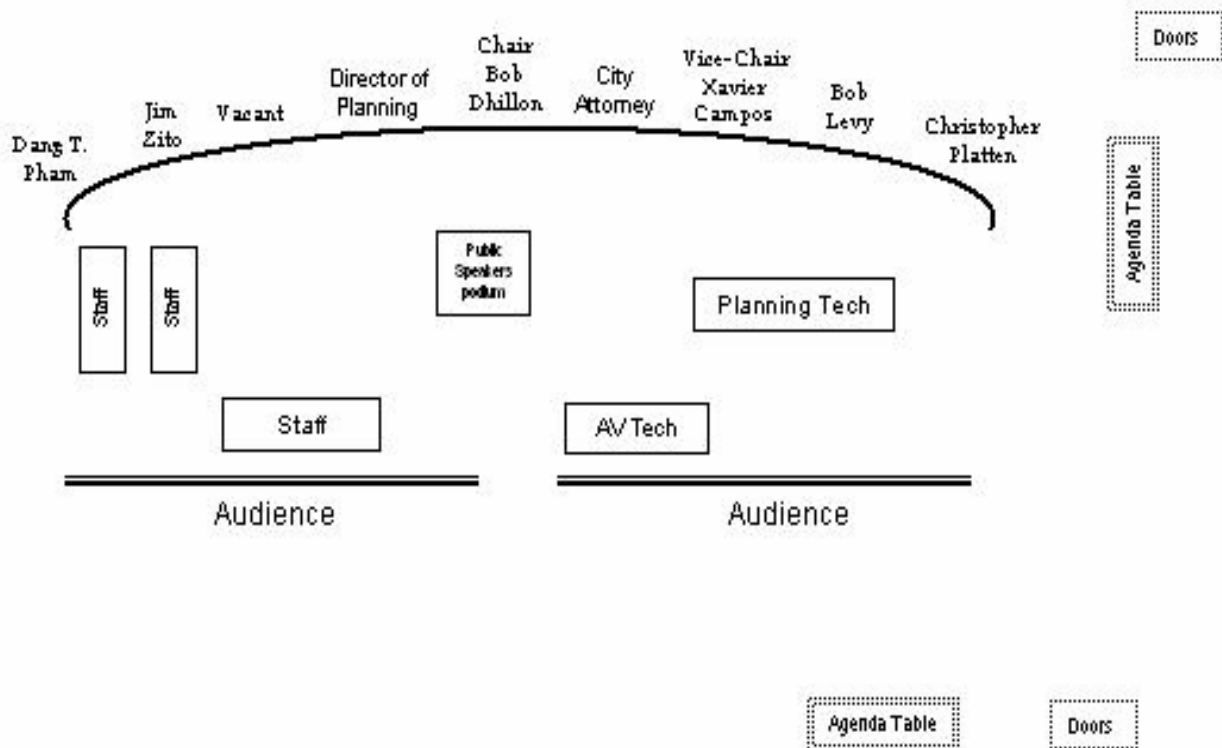
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. **PDC05-027**. Planned Development Rezoning from R-2 Residential District to A(PD) Residential District to allow up to four single-family attached/detached residences on a 0.52 gross acre site, located on the east side of De Anza Boulevard, 350 feet northerly of Sharon Drive (1426 S. De Anza Blvd.) (Yu-Sheng Kao, Owner). Council District 1. SNI: None. CEQA: Exempt. Deferred from 5-24-06.

DEFER TO 7-12-06

- b. **H05-006**. APPEAL of the Planning Director's decision to approve a site development permit to allow the construction of 41,705 square feet of additions to an existing shopping mall (Westgate West Shopping Center) and allow facade and site modifications on a 18.9 gross acre site, in the CG Commercial General Zoning District, located on East side of Lawrence Expressway, between Graves Avenue and Prospect Road (West Valley properties, Owner). Council District 1. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 5-3-06.

DEFER TO 8-23-06

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **CP06-010**. Adoption of a Resolution to approve a Conditional Use Permit and Determination of Public Convenience and Necessity for allowing off-sale of beer and wine at an existing retail store on a 0.9 gross acre site in the CP Pedestrian Commercial Zoning District, located at southeast corner of Saratoga Avenue and DeMille Drive (1080 Saratoga Avenue). (Joseph W. Kovalik, Owner). Council District: 1. SNI: Blackford. CEQA: Exempt. Continued from 5-3-06 and 5-24-06.

Staff Recommendation:

Adopt a Resolution to approve a Conditional Use Permit and Determination of Public Convenience and Necessity for allowing off-sale of beer and wine at an existing retail store as recommended by Staff.

- b. [CP06-024](#). Conditional Use Permit for a drinking and entertainment establishment with late night use until 2 a.m. at an existing bar/nightclub on a 0.41 gross acre site in the DC Downtown Primary Commercial Zoning District, located at/on east side of South 2nd Street approximately 120 feet south of Santa Clara Street (14 S 2ND ST) (Saratoga Capital, Jim Fox, Owner; Velvet Affairs, David Powell, Applicant). Council District 3. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit for a drinking and entertainment establishment with late night use until 2 a.m. at an existing bar/nightclub as recommended by Staff.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. [PDC03-024](#). Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to modify the allowed uses consisting of an increase in the amount of “River Commercial” uses from 63,233 square feet to 88,233 square-feet on a 70.5-gross acre site, located northwesterly of the intersection of Highway 237 and the Union Pacific Rail Line (San Jose Alviso Youth Foundation, Owner/ Developer). Council District 4. SNI: None. CEQA: EIR, Resolution No. 69392, File No. PDC99-044, addendum thereto. Deferred from 5-3-06 and 5-24-06.

Staff Recommendation:

Consider the Environmental Impact Report in accordance with CEQA. Recommend to the City Council approval of Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to modify the allowed uses consisting of an increase in the amount of “River Commercial” uses as recommended by Staff.

- b. [CPA99-026-02](#). Conditional Use Permit Amendment to allow the addition of three basketball standards and two foursquare courts in the parking lot of an existing private school on a 6.25 gross acres site in the R-1-8 Single-Family Residence Zoning District, located at southwest corner of Redmond Avenue and El Paseo Drive (1200 Redmond Ave, Bldg 1) (Roman Catholic Bishop Of San Jose, Robert Serventi, Owner/ Developer). Council District 10. SNI: None. CEQA: Mitigated Negative Declaration and Addendum thereto.

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA. Approve a Conditional Use Permit Amendment to allow the addition of three basketball standards and two foursquare courts in the parking lot of an existing private school as recommended by Staff.

5. OPEN PLANNING COMMISSION SPRING 2006 HEARING ON GENERAL PLAN AMENDMENTS

6. **GENERAL PLAN CONSENT CALENDAR**

- a. **GP05-05-01**: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to Neighborhood/Community Commercial on an approximately 0.6-acre site on the east side of South King Road, approximately 300 feet northerly of East San Antonio Street (150 South King Road). (Toan & Tammy Nguyen, Owner/Erik Schoennauer, Applicant). Council District: 5 SNI: Mayfair. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a General Plan Amendment request to change the Land Use/Transportation Diagram to Neighborhood/Community Commercial on an approximately 0.6-acre site.

- b. **GP06-T-02**: GENERAL PLAN TEXT AMENDMENT request to amend the *San Jose 2020 General Plan* Text related to Single-Room Occupancy Living Units and Single-Room Occupancy Residential Hotels (SROs) to align more closely with references to SROs in the General Plan Housing Element and other adopted City policy documents and ordinances. Council District: Citywide. CEQA: EIR Resolution No. 65459

Staff Recommendation:

Consider the Environmental Impact Report in accordance with CEQA. Recommend to the City Council approval of a General Plan Text Amendment to amend the *San Jose 2020 General Plan* Text related to Single-Room Occupancy Living Units and Single-Room Occupancy Residential Hotels (SROs) to align more closely with references to SROs in the General Plan Housing Element and other adopted City policy documents and ordinances.

- c. **GP06-T-03**: GENERAL PLAN TEXT AMENDMENT request and revision to City Council Policy 4-2 *Streetlight Conversion* to allow up to 300 high pressure sodium lights along designated Neighborhood Business Districts and public streets identified as Pedestrian Corridors in adopted Neighborhood Improvement Plans completed for the Strong Neighborhoods Initiative (SNI) Redevelopment Project Area. Council District: Citywide. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a General Plan Text Amendment to allow up to 300 high pressure sodium lights along designated Neighborhood Business Districts and public streets identified as Pedestrian Corridors in adopted Neighborhood Improvement Plans completed for the Strong Neighborhoods Initiative (SNI) Redevelopment Project Area.

7. **GENERAL PLAN PUBLIC HEARING CALENDAR**

- a. The project being considered is located generally at the northeasterly quadrant of the intersection of Piercy Road and Tennant Avenue (715 Piercy Road) on a southerly 9.7-acre portion of a 14.3-acre parcel. Council District: 2. SNI: None. CEQA: Mitigated Negative Declaration.
1. **UGB05-001**: Proposal to modify the City's Greenline/Urban Growth Boundary (UGB) to include approximately 4.75 acres of unincorporated territory located generally at the northeasterly quadrant of the intersection of Piercy Road and Tennant Avenue (715 Piercy Road).

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a proposal to modify the City's Greenline/Urban Growth Boundary (UGB) to include approximately 4.75 acres of unincorporated territory located generally at the northeasterly quadrant of the intersection of Piercy Road and Tennant Avenue.

2. **GP05-02-04**: General Plan amendment and Urban Service Area (USA) expansion request to change the General Plan land use designation from Non-Urban Hillside on approximately 9.7 acres to Medium Low Density Residential (8 dwelling units per acre) on approximately 8.4 acres, Private Open Space on approximately 1.29 acres, and inclusion of approximately 4.75 acres within the City's Urban Service Area.

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of General Plan Amendment request to change Land Use/Transportation Diagram designation to Low Density Residential (5 dwelling units per acre) on approximately 8.4 acres, Private Open Space on approximately 1.29 acres, and inclusion of approximately 4.75 acres within the City's Urban Service Area.

- b. **GP05-03-02**: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to High Density Residential on approximately 4.6 acres of a 5.13-acre parcel (0.53 acres are in the City of Santa Clara) on the north side of Campbell Avenue, approximately 2,000 feet northwesterly of Newhall Street (1270 Campbell Avenue). (Si Xiv, Owner/Sobrato Development-Tim Steele, Applicant). Council District: 3. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of General Plan Amendment request to change the Land Use/Transportation Diagram designation to High Density Residential (25-50 dwelling units per acre) on approximately 4.6 acres of a 5.13-acre parcel (0.53 acres are in the City of Santa Clara).

- c. **GP05-06-04:** GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to Medium High Density Residential (12-25 DU/AC) on an approximately 2.67-acre site located on the south side of Campbell Avenue, approximately 850 feet westerly of Newhall Street (1179-1181 Campbell Avenue). (Cobalt Associates, Owner / Santa Clara Development Co.). Council District: 6. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to City Council approval of a General Plan Amendment request to change the Land Use/Transportation Diagram to Medium High Density Residential (12-25 DU/AC) on an approximately 2.67-acre site.

- d. The project being considered is located on an approximately 74-acre site in an area generally bounded by Monterey Highway to the northeast, State Route 85 to the south, and Manassas Road to the northwest, otherwise known as the iStar property. Council District 2. CEQA: Environmental Impact Report. Deferred from 3-22-06, 4-12-06, 5-3-06 and 5-24-06.

1. **GP03-02-05:** Request to change the Land Use/Transportation Diagram designation from Industrial Park to Mixed Use with No Underlying Designation.

Staff Recommendation:

Consider the Environmental Impact Report in accordance with CEQA. Recommend to the City Council approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Mixed Use with No Underlying Designation on a 74-acre site.

2. **GPT03-02-05:** Request to update the General Plan Mixed Use Inventory Appendix F, and a Text Amendment to increase the building height limit from 50 feet to 120 feet.

Staff Recommendation:

Consider the Environmental Impact Report in accordance with CEQA. Recommend to the City Council approval of a General Plan Text Amendment to update the General Plan Mixed Use Inventory, Appendix F, and a Text Amendment to increase the building height limit from 50 feet to 120 feet.

3. **APPROVAL OF THE EDENVALE AREA DEVELOPMENT POLICY MODIFICATION** to provide for inclusion of the site and development of up to 1.0 million square feet of industrial uses and up to 460,000 square feet of commercial uses on the iStar site.

Staff Recommendation:

Consider the Environmental Impact Report in accordance with CEQA. Recommend to the City Council approval of the Edenvale Area Development Policy Modification to provide for inclusion of the site and development of up to 1.0 million square feet of industrial uses and up to 460,000 square feet of commercial uses on the iStar site.

4. **PDC04-100**. Rezoning from the A (PD) Planned Development Zoning District to A (PD) Planned Development Zoning District to allow a commercial and mixed-use project consisting of up to one million square feet of industrial park land uses and up to 450,000 square feet of commercial land uses on an approximately 74-acre site.

Staff Recommendation:

Consider the Environmental Impact Report in accordance with CEQA. Recommend to the City Council approval of A (PD) Planned Development Zoning District to A (PD) Planned Development Zoning District to allow a commercial and mixed-use project consisting of up to one million square feet of industrial park land uses and up to 450,000 square feet of commercial land uses on an approximately 74-acre site.

8. APPROVAL OF PLANNING COMMISSION RECOMMENDATIONS ON SPRING HEARING ON GENERAL PLAN AMENDMENTS MAY 3, 24, AND JUNE 5, 2006.

9. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

11. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
 - Coyote Valley Specific Plan (Platten)
 - Evergreen East Hills Vision Strategy Task Force (Levy)
- c. Review of May 24, 2006 synopsis to be reviewed on June 14, 2006 Planning Commission meeting.

12. ADJOURNMENT

2006 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	CANCELLED	Regular Meeting	Council Chambers
Thurs. February 16	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	5:00-6:20 p.m.	<i>Study Session</i>	T-332
Discussion of additional parkland and open space for the City (<i>Joint session with Parks Commission</i>)			
March 22	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 12	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Review Capital Improvement Program</i>			
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	CANCELLED	<i>Study Session</i>	T-332
<i>Joint study session with Parks Commission</i>			
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	CANCELLED	Regular Meeting	Council Chambers
June 5	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	Regular Meeting	Council Chambers
September 27	6:30 p.m.	Regular Meeting	Council Chambers
October 11	6:30 p.m.	Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	Regular Meeting	Council Chambers
November 15	6:30 p.m.	Regular Meeting	Council Chambers
December 6	6:30 p.m.	Regular Meeting	Council Chambers